

**REMARKS**

Reconsideration and allowance of this application are respectfully requested.

**I. Summary of the Non-final Office Action**

Claims 6-7 and 9 are objected as some of the terms used therein do not provide connection or cooperation with preceding claims.

Claims 1-9 are rejected under 35 U.S.C. § 112, second paragraph, as some of the terms used therein lack antecedent basis.

Claims 1, 4-5 and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Lee (USP 5,973,725).

Claims 1, 4-5 and 8 are also rejected under 35 U.S.C. § 102(e) as being anticipated by Jeong et al. (US 1003/0223519 A1; hereinafter "Jeong publication").

Claims 2-3, 6-7 and 9 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

**II. Summary of the Amendment**

Applicant amends paragraph [01] of the specification to correct the foreign priority document number from 2003-8146 to 2003-7591 according to the Declaration and Power of Attorney for Patent Application which Applicant filed with the USPTO on July 25, 2003. Applicant respectfully requests entrance of the amended specification.

Applicant amends claims 6, 7 and 9 to correct minor errors as indicated in the office action. Thus, Applicant submits that the claim objection in this respect should be withdrawn.

Applicant amends claims 1, 2, 5, 6 and 9 so that all the claim elements in these claims and dependent claims do not lack an antecedent basis. Thus, Applicant respectfully requests that the Examiner withdraw the claim rejection under 35 U.S.C. § 112, second paragraph.

Claims 1, 5 and 9 are further amended with respect to the claim rejection under 35 U.S.C. § 102(b). Applicant respectfully submits that these claims define patentable subject matters based on the following analysis.

Claims 2 and 6 are rewritten in independent form including all of the limitations of base claims 1 and 5, respectively, as indicated by the Examiner. Thus, Applicant submits that these claims are now put in condition for allowance.

Applicant also respectfully submits that claims 3, 4, 7 and 8 are put in condition for allowance at least due to their dependency from claim 1, 5 or 6.

### **III. Analysis of 35 U.S.C. § 102(b) Rejection of Claims 1 and 5**

#### **Rejection over Lee**

As noted above, Applicant amends claim 1 by further describing the “channel state” in consideration that the channel state judged by the claimed channel state judging section is clearly distinguished from the channel states detected (judged) by Lee’s post processor 318 and NRF selection controller 326. The following phrase is added to the claim:

“wherein the channel state is one of a static state and a dynamic state”

According to paragraphs 35, 41, 47 and 49, the channel state judging section of claim 1 judges whether the channel state of the inputted signal is a static state or a dynamic state, based on which the equalizing section compensates for a channel distortion initializing a parameter.

However, Lee's post processor 318 and NRF selection controller 326 are not configured to determine whether the channel state of the inputted signal is a static state or a dynamic state. The two components of Lee only compare a non-NRF signal and an NRF signal to determine which signal has less error (see col. 3, lines 45-56). In other words, they determine a channel state not by *whether the channel is in a static state or a dynamic state*, but by which signal has a better condition. In addition, while the claimed system is characterized by an improved equalization performance by the equalizing section for compensating for a channel distortion by initializing a parameter on the basis of the judged channel state (i.e., *whether the channel state is static or dynamic*) (see paragraph 49 of the specification), Lee does not mention the performance of the adaptive equalizer 312 at all throughout the specification because Lee's invention is only directed to whether to use a non-NRF signal or an NRF signal.

Thus, Applicant respectfully submits that claim 1 as amended is not anticipated Lee. As corresponding method claim 5 is amended in the same manner, this claim should also be allowable over Lee.

**Rejection over Jeong Publication**

As to the rejection of claims 1 and 5 over the Jeong publication, the Examiner states in the office action that this rejection under 35 U.S.C. § 102(e) may be overcome by a showing under 37 C.F.R. § 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 C.F.R. § 1.131.

The subject matter, disclosed in the Jeong publication with respect to the rejection of claims 1 and 5, is Jin-hee Jeong's own previous work or invention, and Applicant hereby establishes such to be the case by a Declaration Under 37 C.F.R. § 1.132 executed by Jin-hee Jeong and submitted with this Amendment.

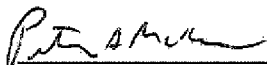
Thus, Applicant respectfully submits that the Examiner withdraw the claim rejection over the Jeong publication.

#### IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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